

**REMARKS**

Claims 1 – 25 are presently pending, of which claims 1, 10, 13, 20, and 21 are independent. In the Office Action, independent claims 1, 10, 20, and 21 are rejected as anticipated by Hosein (US 20050107090 A1). Independent claim 13 is rejected as being obvious over Hosein in view of Toskala.

The anticipation rejections of independent claims 1, 10, 20, and 21 are erroneous. First, Applicant submits that Hosein has been improperly cited as a prior art reference. Although the filing date of Hosein (Nov. 14, 2003) is earlier than the filing date of the present application (Mar. 12, 2004), the present application claims priority to 13 provisional applications, all of which have a filing date earlier than Nov. 14, 2003.

For example, independent claims 10 and 21 are fully supported by at least Provisional Application 60/454714, which was filed on March 14, 2003. See Application 60/454714, sec 3.1.1.1. In Provisional Application 60/454714, it was proposed that data field AUTONOMOUS\_PEAK\_RATE, if set to zero, can be used to prevent a mobile station from transmitting autonomously, as well as being used as a threshold data rate that a mobile terminal is limited to. It was further proposed that an AUTONOMOUS\_RATE\_ADJUSTMENT message, a layer 2 message, can be used to change data field AUTONOMOUS\_PEAK\_RATE. The layer 2 message is sent to all mobile stations if the MAC\_ID in the message is set to '00000000'.

Second, Applicant submits that Hosein does not disclose every limitation of independent claim 1, 10, 20 or 21.

Independent claims 1 and 20 include a limitation that the broadcast message sent to plural mobile stations includes a particular data rate to be used by the plural mobile stations over the reverse wireless link. This feature is missing in Hosein. The examiner cited Fig. 1 in Hosein for disclosing this limitation. However, Hosein only discloses sending common rate control commands (broadcast messages) to a plurality of mobile stations. In Hosein, the

common rate control commands may be an 'up' rate control command or a 'down' rate control command. Fig. 1 of Hosein only shows there are two groups of mobile stations, one group being rate-controlled and one group being at large. Fig. 1 of Hosein does not show that more than one mobile station is transmitting at the same data rate that is set for them by the base station via a broadcast message. Hosein nowhere mentions including a particular data rate in the common rate control commands to command the mobile stations to use that particular data rate over the reverse wireless link. Therefore, the 102 rejections of claims 1 and 20 are mistaken and Hosein does not anticipate claims 1 and 20.

For independent claims 10 and 21, Hosein does not teach the limitation that the broadcast message sent to plural mobile stations causes the mobile stations to transmit at respective data rates that are equal to or less than an autonomous data rate. Hosein discloses an autonomous mode in which mobile stations are permitted to transmit on the reverse link at no higher than some minimum or autonomous data rate. Hosein, ¶ [0006]. However, Hosein does not disclose sending a broadcast message to plural mobile stations to cause them to transmit at respective data rates that are equal to or less than an autonomous data rate. Therefore, the 102 rejections of claims 10 and 21 are erroneous.

The obviousness rejection of independent claim 13 is also erroneous. The examiner acknowledges that Hosein is silent on sending a grant message to plural mobile stations, but cites Toskala (col. 2, lines 22-36) for the missing limitation. However, col. 2, lines 22-36 of Toskala only discloses receiving a rate request from at least one of the plural mobile stations and sending a grant message to at least one of the plural mobile stations. Toskala does not disclose sending, to plural mobile stations, a grant message that has a first value that uniquely identifies one of the plural mobile stations and a predetermined value to provide a broadcast indication, the limitation required by claim 13 but missing in Hosein. Therefore, because neither

Hosein nor Toskala discloses this limitation, Hosein or Toskala, alone or in combination, can not render claim 13 obvious.

In view of the above arguments, Applicant submits that the examiner erred in his rejections of the present application and that the application is in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'Letao Qin', is written over a horizontal line.

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